

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LEROY SHEPHERD,)
Plaintiff,)
)
vs.) Civil Action No. 11-26J
) Judge Kim R. Gibson
FEDERAL BUREAU OF PRISONS;) Magistrate Judge Maureen P. Kelly
WARDEN RONNIE R. HOLT, FPC Canaan;)
LIEUTENANT SNOW; UNIT MANAGER)
GIBSON; COUNSELOR ROBERTS;)
PSYCHOLOGIST DR. COOK; CAMP)
ADMINISTRATOR KIM STRAESSER;)
SENIOR OFFICER SHARP; SENIOR)
OFFICER TAMANO; RDAP)
COORDINATOR, DRUG TREATMENT)
SPECIALIST, Individually and in their)
Official capacities,)
Defendants.)

ORDER

AND NOW, this 3rd day of January, 2013, after the Plaintiff, Leroy Shepherd, filed an action in the above-captioned case, and after a Motion to Dismiss, or in the Alternative, to Transfer for Improper Venue [48] was filed by defendant(s), and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until December 21, 2012, to file written objections thereto, and no objections having been filed, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss, or in the Alternative, to Transfer for Improper Venue [48] is denied in part and granted in part, and the Clerk is ordered

to transfer this case forthwith to the United States District Court for the Middle District of Pennsylvania.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 319 Washington Street, Room 208, Johnstown, PA 15901, within thirty (30) days.

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON
United States District Judge

cc: Honorable Maureen P. Kelly
United States Magistrate Judge

Leroy Shepherd
08208-040
FCI Gilmore
P.O. Box 7000
Glenville, WV 26351

All Counsel of Record by electronic filing